

# **AB 2765 –Safeguards for Aerial Pesticide Spraying in Urban Areas**

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**Assemblymember Jared Huffman**

***As amended: August 20, 2008***

## **IN BRIEF**

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Sets new limits on the Secretary of Food and Agriculture's emergency pest eradication powers with respect to aerial spraying in urban areas. Requires a public hearing to examine alternatives to aerial spraying in urban areas prior to spraying. Bars emergency spraying in an urban area unless there is full disclosure of every ingredient in the pesticide formulation, including its common and scientific name and chemical formulation, to the extent authorized by law. Requires an assessment of human health risks and environmental risks by state agencies.

## **THE ISSUE**

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The California Department of Food and Agriculture (CDFA) is proposing an emergency eradication program this year for the Light Brown Apple Moth (LBAM) in the Bay Area. The program is to include ground applications of twist-ties infused with pheromones, and repeated aerial applications of a liquid spray that includes pheromones and other chemical ingredients. The proposed spraying areas include urban areas in Marin, San Francisco, Alameda, Santa Cruz, San Mateo, and Monterey Counties.

## **EXISTING LAW**

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Existing law authorizes the Secretary of Food and Agriculture to proclaim any area in the state as an eradication area with respect to a pest. This proclamation confers specific emergency authority on the Secretary, but does not require disclosure of ingredients proposed for spraying, nor does it require a public hearing or an official certification of safety.

## **THE SOLUTION**

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AB 2765 provides common-sense safeguards and assurances relating to the aerial spraying of pesticides in urban areas. It requires that before final decisions are made about aerial pesticide spraying over urban areas, CDFA must provide an open public process, with disclosure of all chemical ingredients, and an assurance by independent state agencies that the product proposed for aerial spraying is safe for that purpose.

## **BACKGROUND**

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Last year, a retired entomologist in Berkeley trapped a Light Brown Apple Moth (LBAM) in his backyard. This LBAM find alarmed federal, state, and local agricultural officials, since the moth has proven to be a pervasive and expensive pest in its native Australia and areas where it has migrated (including New Zealand and Hawaii). The pest has been found in nine California counties. The CDFA, in conjunction with the United States Department of Agriculture (USDA), developed a plan designed to eradicate the insect from the state. Last year, that program included quarantine, and ground and aerial applications of control agents including pheromones. Aerial application proved controversial in Monterey and Santa Cruz counties. The 2008 CDFA program proposes to spray in the Bay Area – including Golden Gate Park, Alameda County, and Marin County. At a hearing of the Assembly Environmental Safety and Toxic Materials Committee in February, Chair Huffman raised questions about the decision-making process leading to aerial application, the safety of the aerial spray materials, and full disclosure of the material proposed for spraying.

## **RELATED LEGISLATION**

AB 2763 (Laird) Requires the Department of Food and Agriculture to plan for likely invasive animals, plants, and insects for which an eradication program might be appropriate.

## **SUPPORT**

See next page

## **FOR MORE INFORMATION**

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Support for AB 2765  
As of August 20, 2008

Albany for Environmental Health  
Asian Immigrant Women Advocates  
Breast Cancer Action  
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Butte Environmental Council  
California Association of Nurseries and  
Garden Centers  
California Association of Winegrape  
Growers  
California Certified Organic Farmers  
California Church Impact  
California Citrus Mutual  
California Farm Bureau Federation  
California Grape and Tree Fruit League  
California Indian Environmental  
Alliance  
California Nurses Association  
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Center for Environmental Health  
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Citizens for East Shore Parks  
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City of Albany  
City of San Rafael  
Coalition of California Cities  
to Stop the Spray  
Coalition for Clean Air  
Community Alliance with  
Family Farmers  
East Bay Municipal Utility District  
Environment California  
The Ecological Options Network (EON)  
Environmental Law Foundation  
Green Schools Initiative  
Healthy San Leandro  
Learning Disabilities Association of California  
Marin Cancer Project/Search for the Cause  
Marin County Board of Supervisors  
Marin County Council of Mayors and  
Councilmembers  
Marin Organics  
Nisei Farmers League  
Parents for a Safer Environment  
Pesticide Watch  
Planning and Conservation League  
Santa Cruz Women's International League for Peace  
and Justice  
Sequoia Audubon Society  
Sierra Club

Sonoma County Board of Supervisors  
StopTheSpray.org  
Thimmakka.org  
Vote Health  
Western Growers  
Wine Institute

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